

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

CASE NO. 2:20-cr-00115-KJD-NJK

4 Plaintiff,

5 vs.

6 KEVIN LAY, JR.,

7 Defendant.

8 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
10 Court hereby finds that:

11 **CONCLUSIONS OF LAW**

12 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes
13 that:

14 1. Undersigned counsel was appointed by this Court as counsel for Mr. Lay on
15 September 14, 2021.

16 2. Sentencing in this matter is currently scheduled for January 11, 2022 at 10:00 a.m.

17 3. Defense counsel is settling into her new office after joining the Clark Hill PLLC
18 law firm on November 29, 2021 and is working on retrieving data from her previous firm,
19 including pleadings and other information relating to this case.

20 4. Due to the transition to the new firm and defense counsel's recent illness,
21 additional time is needed to adequately prepare for the sentencing hearing, including consultation
22 with Mr. Lay and the preparation of a sentencing memorandum on Mr. Lay's behalf.

23 5. Mr. Lay has appeared in this case, is in custody and, along with the government,
24 agrees to this short continuance.

25 6. The additional time requested herein is not sought for purposes of delay and the
26 denial of this request for a continuance could result in a miscarriage of justice.
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